

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**LYNNE D PANTING, Personal
Representative of the Estate of Ronald B.
Panting, Deceased;**

Plaintiff,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

8:19CV317

**SEVENTH AMENDED
CASE PROGRESSION ORDER**

This matter is before the Court following a telephonic hearing on Plaintiff's Motion to Extend Deadlines ([Filing No. 81](#)) held with counsel for the parties on February 23, 2022. Defendants do not object to the Plaintiff's motion. In accordance with the matters discussed during the hearing and for good cause shown,

IT IS ORDERED that the Plaintiff's Motion to Extend Deadlines ([Filing No. 81](#)) is granted, and the sixth amended case progression order is amended as follows:

- 1) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure remains **March 1, 2022**. Motions to compel discovery under Rules 33, 34, and 36 must be filed by **March 15, 2022**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 2) The deadlines to identify expert witnesses and to complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are extended as follows:

For the plaintiff:

April 15, 2022

For the defendant:

June 15, 2022

- 3) The planning conference scheduled for March 18, 2022, is cancelled. A planning conference to discuss case progression, the pretrial conference and trial dates, and settlement is scheduled with the undersigned magistrate judge on **July 8, 2022**, at **10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference. ([Filing No. 16](#)).

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 4) The deposition deadline is extended to **July 15, 2022**. The maximum number of depositions that may be taken by the plaintiff as a group and the defendants as a group is **20**.
- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is extended to **August 15, 2022**.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is extended to **August 15, 2022**.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 23rd day of February, 2022.

BY THE COURT:

s./Michael D. Nelson
United States Magistrate Judge